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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,725	01/31/2001	Delane Robert Hewett	MCS-059A-00	7001
27662	7590	06/16/2004	EXAMINER	
LYON & HARR, LLP 300 ESPLANADE DRIVE, SUITE 800 OXNARD, CA 93036			PHAM, THOMAS K	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,725

Applicant(s)

HEWETT ET AL.

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

First Action on the Merits

1. Claims 1-22 of U.S. Application 09/773,725 filed on 01/31/2001 are presented for examination.

Quotations of U.S. Code Title 35

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim Rejections - 35 USC § 102

6. Claims 1-2, 5-15 and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,209,007 ("Kelley").

Regarding claim 1

Kelley teaches a system for automatically generating at least one web page comprising: running at least one web page generation script on a remote server computer (col. 3 line 65 to col. 4 line 10, "the ability to create a customized ... in the original web page"); wherein each web page generation script includes at least one encapsulated web-based function for defining at least one characteristic of each automatically generated web page, and wherein each web-based function further includes at least one variable function parameter (col. 4 lines 11-23, "the ability to have ... personally make the changes"); automatically generating the at least one web page by setting at least one of the variable function parameters of at least one of the web page generation scripts in response to a communication from at least one local client computer to the remote server (col. 5 lines 9-27, "a customized web page created ... javascript and other code"); and automatically transmitting each automatically generated web page from the remote server to the local client (col. 9 lines 6-13, "Notify the server ... addresses of the client").

Regarding claim 2

Kelley teaches setting at least one the variable function parameters serves to define the appearance of at least one of page color, page style, page layout, page border, page background, font size, font type, font style, font color, font characteristics, included images, and scripts, for each automatically generated web page (col. 2 lines 24-27, "The desired information retrieved ... Java and javascript").

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Regarding claim 12

Kelley teaches at least one web page automatically generated in accordance with the following acts: providing a remote server computer in communication with the Internet, the remote server hosting a dynamic web page generation script having at least one pre-defined entry point addressable by at least one local client computer (col. 5 lines 9-25, "a customized web page ... in customized web page 32"); receiving an input at the remote server from one of the local client computers via the Internet (col. 3 lines 14-18, "Since the original web page ... by the network server"); automatically passing the input to one of the web page generation script entry points (col. 3 lines 18-23, "The program storage ... from the original web page"); automatically generating at least one web page in response to the input passed to one of the web page generation script entry points (col. 3 lines 23-29, "The system also includes ... in the original web page"); and wherein the at least one web page automatically generated in response to the input passed to one of the web page generation script entry points is unique from web pages automatically generated in response an input passed to any other of the web page generation script entry points (col. 4 lines 38-47, "database 16 contains one or more ... other web pages on the network").

Regarding claim 13

Kelley teaches the input received from one of the local client computers is provided via a pre-defined intermediate page called by the local client computer (col. 4 lines 10-17, "the ability to have ... each of these searches").

Regarding claim 14

Kelley teaches the script is represented by at least one of HTML, ASP, CGI, and PERL scripts

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(col. 4 lines 28-33, "Client computer 10 has ... from a network service provider").

Regarding claim 15

Kelley teaches the script is reusable by a plurality of unique local client computers for automatically generating a plurality of uniquely customized web pages (col. 4 lines 10-23, "the ability to have ... personally make the changes").

Regarding claim 17

Kelley teaches each web page is automatically transmitted via the Internet from the remote host computer to at least one of the local client computers (col. 9 lines 6-13, "Notify the server ... addresses of the client").

Regarding claim 18

Kelley teaches a computer-readable medium having computer executable instructions for dynamically generating at least one web page, said computer executable instructions comprising: a dynamic web page generation script capable of accepting parameters passed from an intermediate page used to call the dynamic web page generation script (col. 3 line 65 to col. 4 line 10, "the ability to create a customized ... in the original web page"); wherein the dynamic web page generation script further comprises at least one encapsulated web-based function which is automatically configured in response to the parameters passed from the intermediate page (col. 4 lines 11-23, "the ability to have ... personally make the changes"); dynamically generating at least one customized web page in response to the automatic configuration of each encapsulated web-based function (col. 5 lines 9-27, "a customized web page created ... javascript and other code"); and transmitting each customized web page from a remote host computer to at least one local client computer via a network (col. 9 lines 6-13, "Notify the server ... addresses of the

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client”).

Regarding claim 19

Kelley teaches the dynamic web page generation script automatically includes at least one applet in each customized web page (col. 8 lines 23-24, “Build new Java ... for the web page subset”).

Regarding claim 20

Kelley teaches at least one of the applets is retrieved by the web page generation script from at least one computer readable storage medium (col. 8 lines 10-14, “500-Attempt code retrieval ... to retrieve the Java source code”).

Regarding claim 21

Kelley teaches the dynamic web page generation script includes at least one addressable entry point (col. 6 lines 15-18, “Server customized table ... addresses of the clients”).

Regarding claim 22

Kelley teaches the appearance and content of each dynamically generated customized web page is dependent upon which entry point is addressed (col. 6 lines 19-21, “Bookmark files ... on the clients computers”).

Regarding claim 5

Kelley teaches at least one text file is automatically included in each automatically generated web page, and wherein each text file is stored in at least one computer readable storage medium addressable by at least one of the web page generation scripts (col. 4 line 66 to col. 5 line 8, “The basic structure ... the web page was created to present”).

Regarding claim 6

Kelley teaches alternate text files are automatically chosen by providing alternate file paths for at

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least one function parameter (col. 5 lines 20-25, "the customized web page ... in customized web page 32").

Regarding claim 7

Kelley teaches at least one web page generation script further comprises at least one predefined script that is automatically included in at least one automatically generated web page (col. 4 lines 28-33, "Client computer 10 has ... from a network service provider").

Regarding claim 8

Kelley teaches the at least one predefined script is automatically retrieved by at least one web page generation script from at least one computer readable storage medium (col. 5 lines 13-19, "Customized web page 32 ... or other source code").

Regarding claim 9

Kelley teaches the communication from at least one local client computer to the remote server includes transmitting values from at least one intermediate web page to at least one of the web page generation scripts (col. 4 lines 10-17, "the ability to have ... each of these searches").

Regarding claim 10

Kelley teaches each web page generation script includes at least one unique entry point addressable by each local client computer (col. 6 lines 15-18, "Server customized table ... addresses of the clients").

Regarding claim 11

Kelley teaches each entry point addressed by any local client computer causes at least one web page generation script to automatically generate a unique web page depending upon which entry point is addressed (col. 6 lines 19-21, "Bookmark files ... on the clients computers").

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Claim Rejections - 35 USC § 103

7. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,209,007 ("Kelley") in view of U.S. Patent No. 6,163,779 ("Mantha").

Regarding claim 3

Kelley teaches a system for customizing web pages but does not teach at least one image is automatically included in each automatically generated web page, and wherein each image is stored in at least one computer readable storage medium addressable by at least one of the web page generation scripts. However, Mantha teaches at least one image is automatically included in each automatically generated web page, and wherein each image is stored in at least one computer readable storage medium to display at a later time (col. 2 lines 21-44, "In response to a user's ... to the copied page(s)") for the purpose making a copy of particular Web page content to display immediately later at anytime even when the Web site is no longer accessible.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the storing mechanism of Mantha with the system of Kelley because it would provide for the purpose making a copy of particular Web page content to display later immediately at anytime even when the Web site is no longer accessible avoiding another pull operation to the web server.

Regarding claim 4

Kelley teaches alternate images are automatically chosen by providing alternate file paths for at least one function parameter (col. 5 lines 20-25, "the customized web page ... in customized web page 32").

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8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,209,007 ("Kelley").

Regarding claim 16

Kelley teaches a system for customizing web pages but does not teach the script further comprises the capability to automatically determine whether a local client computer is authorized to access the web page generation script. "Official Notice" is taken that both the concept and advantages of providing authorization during creation of the web page is well known and expected in the art. A typical example is U.S. Patent No. 6,247,032 of Bernardo et al teaches a software tool to create custom web pages with an automatic approval mechanism for authorization and security purposes (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a mechanism for authorizing during the creation of web pages for the purpose of simplifying the web site creation process.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874, Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor *Mr. Anthony Knight* at (703) 308-3179.

Any response to this office action should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231**, or **Hand-delivered** responses should be brought to **Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist located on the 4th floor)**, or fax to the **official fax number (703) 872- 9306**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thomas Pham
Patent Examiner

TP
June 14, 2004


Anthony Knight
Supervisory Patent Examiner
Group 3600